IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 21627 of 1995

Between:

Pegidi Palli Pedda narayana Reddy,

S/o. Narayanappa, Kandukuru Village,

Anantapur Rural Mandal, Anantapur District. **..... PETITIONER**

AND

1.The Mandal Revenue Officer,
Anantapur Rural Mandal, Anantapur.
2.The Govt. of A.P. rep. by its Secretary

Revenue Dept., Secretariat Buildings, Hyderabad.
3.Kammara Sitaramaiah, S/o. Subbarayudu,
Kandukuru Village, Anantapur Rural Mandal,
Anantapur District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of Writ of Mandamus declaring the order of the 2nd respondent in Memo.No.54766/Asn IV(1)/91-4, dated 26-6-1995, as illegal, irregular, arbitrary, unjustified, unconstitutional, violative of principles of natural justice and contrary to the established principles of law and set aside the same directing the Respondents to continue the Petitioner to be in possession and enjoyment of the land admeasuring acres 4.56 in survey No.502-2 of Kandukuru village, Anantapur Rural mandal, Anantapur District.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent Nos.1 and 2 : GP FOR REVENUE Not present

Counsel for the Respondent No.3: None appeared

The Court made the following :

ORDER:

Heard learned Counsel for the petitioner. No body appears for the respondents.

The only grievance of the petitioner is that assignment of land in his favour, was cancelled. He challenged the orders in different forums and finally a revision was pending before the Government. While entertaining the revision, stay was granted. Third respondent moved an application before the Government and vacated the order of stay on 26-6-1995, even without hearing the petitioner.

After the writ petition was filed in this Court on 26-9-1995, this Court granted interim directions, as such it is presumed that the petitioners must be in possession of the land even as on today. Since the Government vacated the stay without notice to petitioner, the impugned order cannot sustain. Therefore, I quash the order passed by the Government vacating the stay and direct the Government to dispose of the revision, after hearing the parties within three months from the date of receipt of a copy of this order.

With the observation as above, Writ Petition is allowed. No costs.

5th August, 2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the fifth day of August, Two thousand and four.

Asst. REGISTRAR

To:

1.The Mandal Revenue Officer,
Anantapur Rural Mandal, Anantapur.
2.The Secretary,

Govt. of A.P. Revenue Department,

Secretariat Buildings, Hyderabad.
3.Two CCs to the G.P for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

4.Two CD copies.